

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KWAMIE MITCHELL,

Petitioner,

-against-

21 CIVIL 4744 (GHW)

JUDGMENT

SUPT. MARK MILLER,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated January 27, 2023, the Court has reviewed the R&R for clear error and finds none. See *Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a "district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record."). The Court, therefore, has accepted and adopted the R&R in its entirety. For the reasons articulated in the R&R, the petition is denied. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from the order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 44445 (1962). Petitioner has not made a substantial showing of the denial of a constitutional right, so the Court denies a certificate of appealability under 28 U.S.C. § 2253; accordingly, the case is closed.

Dated: New York, New York

January 27, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk